HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 26868 of 2007

Dated 14th December, 2007

Between

Muthyala Hymavathi and ors

…Petitioner

and

The District Collector,Vizianagaram,
Vizianagaram District and ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 26868 of 2007

ORDER:

This Writ Petition has been filed seeking Writ of Mandamus to declare the action of the respondents in taking steps to evict the petitioners from the land assigned to them without following the due process of law as illegal and arbitrary and for consequential direction to set aside the proceedings No.1902/07/B2 of the second respondent dated 17-4-2007.

The petitioners claim that as they are landless poor persons, they were assigned government vacant land ranging from Ac.1.00 to Ac.3.50 cents in Sy.No. 331 of B.P. Varakattu village in Cheepurupalli Mandal of Vizianagaram District. It is the grievance of the petitioners

that though they are in possession of the said land by virtue of pattas granted to them, but, the respondents are taking steps to evict them from the subject land basing on the proceedings dated 17-4-2007.

By proceedings 17-4-2007, the Joint Collector, Vizianagaram authorized the Revenue Divisional Officer, Vizianagaram to pass orders for cancellation of pattas on the ground that the said lands were in possession of third parties in violation of the assignment conditions. It is stated that all the assignees are non-residents and the land is under enjoyment and cultivation of one Sri Velichoti Jogiraja Mouli of Devarapalli village of Ranasthalam Mandal in Srikakulam District. Basing on such preliminary enquiry, when proceedings are to be initiated, the petitioners have approached this Court. In the said proceedings, it is stated that proceedings will be initiated for cancellation of pattas by following due procedure.

Pursuant to the proceedings dated 17-4-2007, it is for the petitioners to explain, when they are issued notices on the allegation that they have violated the conditions of patta. The question of interference basing on impugned order dated 17-4-2007 at this stage will not arise. As much as no orders have been passed against the petitioners as on today, I dispose of the Writ petition directing the respondents not to evict the petitioners from the subject land, as otherwise than by due process of law. However, it is made clear that if the subject land is in possession of the third party in contravention of the conditions of the pattas, it is open to the respondents to issue notice and pass appropriate orders, by following the procedure contemplated under law.

Subject to the above direction, the Writ Petition is disposed of.

No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE: 14-12-2007
CC by Monday (BO) Msnr.